

ORIGINAL

United States Court of Federal Claims

No. 14-646 C
January 22, 2015

FILED
JAN 22 2015
U.S. COURT OF
FEDERAL CLAIMS

LARSON, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER DISMISSING CASE

Plaintiffs, proceeding *pro se*, filed a complaint on July 23, 2014, alleging that the United States Office of Personnel Management (“OPM”) administered plaintiffs’ Civil Service Retirement System (“CSRS”) annuity in a manner inconsistent with plaintiffs’ marital settlement agreement. Plaintiffs request the court to order OPM to change the way it is distributing the benefits of this annuity. On September 19, 2014, defendant filed a motion to dismiss the case for lack of subject matter jurisdiction, pursuant to Rule 12(b)(1) of the Rules of the Court of Federal Claims (“RCFC”).

Plaintiffs’ allegations—even if true—do not give rise to any claim over which this court has subject-matter jurisdiction. *See* 28 U.S.C. §§ 1346, 1491. This court lacks subject matter jurisdiction to adjudicate civil service retirement claims—such claims lie within the exclusive jurisdiction of the OPM Merit Systems Protection Board and the U.S. Court of Appeals for the Federal Circuit. *See Agee v. United States*, 77 Fed. Cl. 84, 88 (2007). The court therefore dismisses the complaint pursuant to RCFC 12(b)(1).

For the foregoing reasons, defendant’s MOTION to dismiss is GRANTED. The Clerk is hereby directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.


Lawrence J. Block
Judge